

**Minutes of the April 8, 2005 meeting of the  
Commission on Governmental Ethics and Election Practices  
Held in the Commission's Meeting Room,  
PUC Building, 242 State Street, Augusta, Maine**

Present: Chair pro tempore Andrew Ketterer; Hon. Terrance MacTaggart; Hon. James Donnelly (by telephone); Hon. Jean Ginn Marvin; Hon. Michael Bigos. Staff: Executive Director Jonathan Wayne; Counsel Phyllis Gardiner.

At 9:00 A.M, Chair Ketterer convened the meeting. Before the agenda items were considered, Mr. Ketterer formally introduced Michael Bigos as the new Commission member. Mr. Ketterer also expressed his appreciation for the work that Mr. MacTaggart did, as Mr. MacTaggart would be leaving the Commission. The Commission then considered the following items:

Agenda Item #1 – Ratification of Minutes of October 30, 2004 meeting

Ms. Ginn Marvin moved, Mr. MacTaggart seconded, and the Commission voted unanimously to adopt the minutes.

Due to scheduling conflicts, items were taken out of order.

Agenda Item #8 – Late Filing Penalty/Robert H. Crosthwaite

The director explained that Mr. Crosthwaite was a traditionally financed candidate, and that he had owed a 101% report on July 15, 2004. The report was filed on July 16, 2004, and as such the staff recommendation was to assess a one day late civil penalty of \$218. The director stated that the staff took these reports very seriously because the 101% reports were the basis for giving out matching funds. In this instance, Mr. Crosthwaite's opponent was delayed in being given \$218. The director also explained that previous staff procedures contributed to the delay in awarding matching funds. Mr. Bigos asked exactly how staff procedures contributed to the delay. The director replied that there were many replacement candidates after the primary, and that past practice was to notify traditional opponents of their need to file 101% only after MCEA certification, which usually happened in August. In a few cases, that turned out to be too late. In the future, the director said the staff would review the July reports to determine who had exceeded the 101% threshold and notify those candidates as soon as they became identified.

Robert Crosthwaite took the floor, and said that in the 2002 election, he did not have a MCEA opponent. When he realized he needed to file report, he promptly did so. He also accepted responsibility for not filing on time.

Dan Billings, an attorney representing Mr. Crosthwaite, took the floor. He said that the approach the Commission staff was taking was appropriate in his opinion. He also

pointed out that in this case Mr. Crosthwaite's opponent did receive all the matching funds he was entitled to, and while there was a technical violation, there was no serious harm done to the public or Mr. Crosthwaite's opponent.

Mr. MacTaggart moved, Ms. Ginn Marvin seconded, and the Commission voted unanimously (5-0) to adopt the staff recommendation and assess a civil penalty of \$218.

#### Agenda Item #6 – Late Filing Penalty/Edward Dugay

The director requested that this matter be postponed to a later meeting to allow Mr. Dugay to come up with an accurate response to the matter. The director stated that he felt this was a very serious issue because Mr. Dugay's opponent didn't receive matching funds until right before the election. The Commission requested that Mr. Dugay prepare a response by the end of April.

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#### Agenda Item #7 – Late Filing/Marc Lamontagne

The director explained that Mr. Lamontagne was one day late in filing his required 101% report. Because of this, his opponent, Boyd Marley, did not receive \$178 entitled to him. The staff was recommending a civil penalty of \$178.

Marc Lamontagne took the floor. He explained that he was traditionally financed, and that in the last days of the election he received notification that his party would be sending him a contribution. He said that all of his reporting had been done properly, and that he did not owe Mr. Marley any money. He also stated that he had documentation which clearly stated that the money from his party had been deposited November 1<sup>st</sup>. He stated that to his knowledge, he had done everything correctly. He stated that he had never asked anyone for any money. Mr. Bigos asked exactly when he received the contribution from the party. Mr. Lamontagne replied that he knew it was coming around Oct. 23<sup>rd</sup>, but that he didn't know exactly when it arrived. He stated that it was a very hectic time for him and his campaign. He said that he never intended to violate the rules. Ms. Ginn Marvin asked if he had spent all of his money. Mr. Lamontagne replied that he did. Ms. Ginn Marvin then asked if he understood that Mr. Marley was restricted by the MCEA limits in terms of spending. Mr. Lamontagne said that he didn't feel that the amount of money in question was relevant. Ms. Ginn Marvin said that reporting the overspending was important because that was how the MCEA system worked-to allow equality between traditionally financed and MCEA candidates. Mr. Lamontagne reiterated that he felt he did not harm Mr. Marley at all. Mr. Ketterer explained that any penalty assessed would not go to Mr. Marley-rather it would go the State of Maine. He also said that there are a lot of rules and regulations concerning the distribution of MCEA funds, and that the Commission's job was to enforce those laws. Mr. Ketterer also said that when the money was received is when it's considered accepted by the campaign. Mr. Lamontagne asked what would happen in the case of a bounced check, and stated that until a check is deposited, it should not count as for a campaign. Mr. Ketterer replied that the MCEA system wouldn't work if the Commission had to wait for a check to clear before giving out matching funds. Mr. Bigos asked if Mr. Lamontagne disputed getting

too much money on October 29<sup>th</sup>. Mr. Lamontagne replied that he did dispute that assertion, and said he went over the limit on November 1<sup>st</sup>.

Ms. Ginn Marvin moved, Mr. MacTaggart seconded, and the Commission voted unanimously (5-0) to adopt the staff recommendation and assess a civil penalty of \$178.

At this point, the Commission took the remaining agenda items back in order

#### Agenda Item #2 – Late Filing Penalty/House Democratic Campaign Committee

The director explained that this issue dealt with literature sent out by various groups and questions as to when the obligation to create the various literature occurred and when independent expenditure reports were filed. This was a major issue for MCEA candidates because often candidates would receive matching funds too late to make use of them. The director explained that this issue came down to when the Commission believed an expenditure was made. He said that an expenditure is not only a payment for goods or services, but also when you make the obligation to acquire those goods or services. The director said that there are arguments for and against assessing a penalty depending on how the Commission weighed sending a message to various groups and the fact that understanding on this issue was not very clear. Ms. Ginn Marvin asked how many groups filled out IE reports correctly. The director replied that he didn't know and that these particular PAC's and party committees were before the Commission only because the staff had received specific complaints. He also said there was no way knowing, based on the reporting form, exactly when the expenditure occurred. Ms. Ginn Marvin said that if the Commission didn't receive complaints, then she had to assume those who were not subject to complaints were doing it right. She also said that she felt that Jonathan and his staff were doing a very good job at dealing with these issues.

Toby McGrath took the floor. He explained that, at the last minute his group had received some extra funds, and they decided to send out a mailing. He went to a print shop and commissioned an ad, and requested the billing information as soon as possible in order to provide full disclosure to the Commission. However, the print shop was unable to come up with the necessary billing information-including the individual breakdown-before the mailing went out. Mr. McGrath waited until he had full financial information from the vendor before he filed the report. Mr. Bigos asked if the HDCC paid the copy center on October 25. Mr. McGrath replied that they did not. Mr. Bigos asked if Mr. McGrath had received the total cost of the mailing on the 26<sup>th</sup>. Mr. McGrath replied that he did not. Ms. Ginn Marvin asked if he gave the money to the print shop the day the ads were mailed or afterwards. Mr. McGrath replied that he gave the money afterwards. Ms. Ginn Marvin said that whenever she had used a mailing house, she had to give them the money before they would mail out anything. Mr. McGrath stated that he asked the vendor numerous times for the cost breakdown, but they were unable to give it to him. Ms. Ginn Marvin said that she found it hard to believe that the print shop wouldn't have given Mr. McGrath the cost of the mailing that he was requesting. Mr. McGrath replied that it was most likely because it was right before the election and that they were very busy. Ms. Ginn Marvin asked the director as to how the staff handles these issues. The director

replied that, as it stood in the upcoming rulemaking (Jonathan, is that right?), PAC's and party committees had to make their best efforts to get the cost breakdown per candidates, and if they were unable to do so within the 24-hour period, then they had to come up with an estimate. The director said that it was a difficult situation for the staff when matching funds are sent out and the amount is wrong. The director then said that he thought it was better that matching funds go out in a potentially wrong amount than to deny a candidate matching funds all together. Mr. Donnelly said that organizations need to be held to a high standard. Ms. Gardiner said that the issue is the content of what was in the report, and the breakdown per candidates. Mr. Donnelly asked Mr. McGrath if, once he encountered the problem of getting the exact breakdown per candidate, he called the director or the staff to get guidance. Mr. McGrath replied that he did not. Mr. Donnelly expressed concern over attempts to "game" the system for a political and financial advantage. Mr. McGrath replied that if he had wanted to "game" the system, he would have waited until later to file the 24-hour report. Mr. Donnelly said that he didn't believe the HDCC was trying to do anything dishonestly, but that it was true that various groups do try to get around the system in place, and that the Commission needed to make a decision based on the facts.

Jane Crosby-Giles took the floor. She said that she was a candidate in House race #43, and that she had an ethics claim concerning her race. She said that she had gotten a postcard on October 27<sup>th</sup>, paid for and authorized by the HDCC, which favored her opponent, Walter Ash. She immediately contacted the Ethics commission to see if a report had been filed, and to determine if she was eligible for matching funds. As of October 27<sup>th</sup>, no report had been filed. She said that she found the report on the website on October 28<sup>th</sup>, and received matching fund authorization on October 29<sup>th</sup>. She said that, at that late date, she was unable to spend the money. After the election, the director started an investigation into this matter, and sent a letter on November 19<sup>th</sup>, 2004 to Mr. McGrath asking him about this situation. Mr. McGrath did not respond until two months later. In his response, Mr. McGrath stated that the HDCC had ordered the ads on Oct. 26<sup>th</sup>, and the 24-hour report was filed three days later. Ms. Crosby-Giles said that in her personal experience, print shops could give the pricing breakdown very quickly, and that many vendors were very willing to work within the ethics guidelines. She said that ultimately it was up to the candidate, or in this case the HDCC, to file the necessary reports on time. She stated that the Commission staff was extremely helpful in terms of providing information and notification to all candidates and groups with regards to important filing information and deadlines. Ms. Crosby-Giles said that her race was one of the closest in the state-on Election Night she had a 13 vote lead, but after the recount she lost by five votes. She felt that this postcard sponsored by the HDCC could very well have made a difference, and that she was unable to come up with an effective response due to the lateness in receiving matching funds. She said that she could not help but feel that this post card and the subsequent late filing of the 24-hour report gave her opponent an unfair advantage in the election. She requested that a civil penalty be seriously considered in this matter.

Note-The Commission considered Items #2, #3 and #4 as a group. The comments reflected below are meant for #3 as well as #4, while the above ones are specifically for #2

Roy Lenardson took the floor. He said that the cost of compliance with the ethics laws has gone up, and that his company has budgeted money in order to comply with the regulations. He said that the staff was extremely helpful, and that his company called many times in order to make sure his company was complying with all the rules. Mr. Lenardson said that it was true that there were ways to get around the system. However, he said none of the vendors that his company dealt with had any problems with meeting the legal requirements and guidelines set forth by the Commission and the legislature. He said that print mailings should be held to a higher standard.

Dan Billings took the floor. He said that he understood the rules to be that an expenditure is when a promise is made, and that was the advice he gave to various candidates and organization. He said that he felt the Commission staff was very clear as to the expectations, and that the three organizations involved were experienced in dealing with this issue. He said that if a candidate tells a vendor that, unless you can give me the numbers the commission needs, there will be no deal, that most vendors would be able to accommodate that request. He also said that it was unusual when an ad is received before an IE report is filed.

Doug Clopp, the director of the Citizens Leadership Fund, took the floor. He urged the Commission to be consistent in the way they defined an expenditure. He said that any decisions should be made as a standard for the 2006 elections. He said that one of the most common complaints was that matching funds are often delivered too late, mainly because of these late IE reports. Mr. Clopp said that fines would be important in terms of creating a deterrent. Mr. Bigos asked Mr. Clopp when he thought the HDCC should have filed. Mr. Clopp said on Oct.26. Ms. Ginn Marvin asked for clarification and Mr. Clopp said that when the promise or agreement was made was when the report should have been filed.

Abby Holman, from Alliance for Maine's future, took the floor. She said this dealt with accrual versus cash basis of accounting issue with regards to IE reports that she raised two weeks before. She said the Commission had to be very clear as to what it expected of organizations in terms of calculating the cost per candidate per ad. She said that if the Commission was willing to wait until an invoice comes before a 24-hour report is filed, then they should be clear to everyone on that. She said the ethics staff was very helpful, and that her organization understood that once the commitment was made, the report needed to be filed. She said that it was very important that MCEA candidates receive their matching funds as soon as possible.

Mr. Ketterer asked what the possible penalties would be. The director replied that penalties could be considered in two parts. If the Commission considered the report two days late, then the statutory penalty for late filing would be \$560.84. The other part of the penalty could be anywhere from to \$0-\$10,000, at the discretion of the Commission. The

director felt \$500 was very low in terms of a penalty. Ms. Ginn Marvin asked if it was relevant if a lot of candidates were involved. The director said that he thought it was relevant. Ms. Ginn Marvin asked how many races were affected. The director said 13 races were affected. He said the \$560.84 penalty isn't based on how many races were involved, rather when the report was filed. Ms. Gardiner said that, with regards to the discretionary penalty, the Commission could take into account how many races were affected.

Mr. MacTaggart moved to assess the \$560.84 for the late filing, and a civil penalty of \$500. The motion did not carry. Ms. Ginn Marvin moved to assess the \$560.84 for the late filing, and a civil penalty of \$847, which represents the amount connected to Ms. Crosby-Giles's race. Mr. Donnelly seconded. Ms. Ginn Marvin said that rules were in place for a reason and that they need to be followed, especially concerning public funds. She said that the HDCC needed to get the bill from the copy center, and that they had an obligation to move to another vendor if that copy center didn't provide the necessary information. She said sticking to the idea that, when you make the obligation is when you have to file the report, was important. She arrived at the \$847 simply because it was the number connected in the case of Ms. Crosby-Giles. Mr. Bigos said that he wanted the Commission to have a unanimous vote on this, because he wanted to send a clear message to everyone. He said that he felt the \$847 penalty was an appropriate number. However, he felt that the Commission should consider the report to be one day late. He said the Commission cannot accept allowing vendors to not give billing information. Mr. Bigos also said that he was very opposed to have an ad be received by people before an IE report is filed. He also said he was uncomfortable with estimates being used in determining matching funds. Mr. MacTaggart said that he felt that the ad was ordered on Oct. 25<sup>th</sup>, so he thought the report should be considered two days late. He also said he was fine with the \$847. Mr. Ketterer said that this was a difficult issue, and that it was hard to get across to people that it's when the obligation is made that determines when the report must be filed. He said there was no requirement for an organization to have to wait until the end of the election to order a mailing. Mr. Ketterer said that Ms. Crosby-Giles found herself in an unfair situation based on a third party. He said he couldn't come with a situation more frustrating or hurtful than to be convinced to run as a candidate and to comply with all the necessary filing requirements and regulations and to spend all the effort involved in running a campaign, and then you find out there was a mailing sent out by someone who wants you to lose that isn't your opponent, and you have no real means of recourse because the necessary report wasn't filed. He said that sense of helplessness was extremely distressing. Mr. Ketterer said that he didn't feel \$847 would get the attention of the parties, and that he would be inclined to put the penalty as \$10,000 because he didn't feel there was anything more grievous than what occurred in Ms. Crosby-Giles's race. Ms. Ginn Marvin withdrew her motion, and Mr. Donnelly withdrew his second. Ms. Ginn Marvin moved to assess a late filing penalty of \$560.84, as well as assessing a civil penalty of \$10,000. The motion did not pass. Ms. Ginn Marvin went back to her original motion. Mr. Donnelly seconded. The Commission voted unanimously (5-0) to assess a late filing penalty of \$560.84, and to also assess a civil penalty of \$847.

### Agenda Item #3 – Late Filing Penalty/Maine Democratic Party

The director said that the MDP had sent some information in response to a request by the Commission. However, the information in that response had changed since the letter was received. The invoice was received on October 25<sup>th</sup> as opposed to the 26<sup>th</sup>. The director felt the report should be considered one day late. Ms. Ginn Marvin asked what the late filing penalty would be. The director replied that it would be \$524.53.

Mike Mahoney, general counsel for the MDP, took the floor. He said that the MDP was well aware of the filing deadlines. He said the report should have been filed on October 26<sup>th</sup>, but that it was filed on Oct. 27<sup>th</sup>. He apologized for the initial confusion as to when exactly the invoice was received. He said that the mailing wasn't received until after the report was filed.

Ms. Ginn Marvin moved to assess a \$524.53 late filing penalty and a civil penalty of \$500. Mr. MacTaggart seconded. The Commission voted unanimously (5-0) to assess the \$524.53 late filing penalty as well as a \$500 discretionary penalty.

### Agenda Item #4 – Late Filing Penalty/SCICOM PAC

The director said that Adam Mack, the treasurer of SCICOM, had said that he had given a template for a mailing to a vendor in NH. However, the money for this mailing was going to come from a real estate closing. Due to the timing of the real estate business transaction, he ordered the mailing, but was unsure when the postcards were going to be sent. The director believed that Mr. Mack's argument was that October 27<sup>th</sup> was the date the decision was made to decide where the mailings would go. The director indicated that Mr. Mack filed the wrong report on Oct. 28<sup>th</sup>, and the correct report was filed on Oct 29<sup>th</sup>. However, the staff determined that the report filed on Oct 28<sup>th</sup> met the requirements.

Adam Mack, treasurer of SCICOM, took the floor. He said that part of the money for this mailing came from his personal real estate business dealings. He said that on Oct. 26<sup>th</sup>, he contacted Spectrum Monthly about buying press time, but that he wasn't sure which districts that would receive the mailing. That decision was made the following day on Oct. 27<sup>th</sup>. He said he filed the 24-hour report on Oct. 28<sup>th</sup>, and that as soon as he realized he needed to file an IE report he did so. He iterated that he didn't know where he was going to do the mailings until October 27<sup>th</sup>. Mr. Bigos asked where the piece was printed. Mr. Mack said it was printed at Spectrum Monthly in New Hampshire. Mr. Bigos asked how many races were affected. Mr. Mack said that 14 races were affected. Mr. Bigos asked exactly when the mailing went out. Mr. Mack said Oct. 28<sup>th</sup>. Ms. Ginn Marvin asked about the relationship between paying the deposit on Oct. 26<sup>th</sup> and not deciding where the mailing was going to go until Oct. 27<sup>th</sup>. Mr. Mack said he got the district breakdown on the night of Oct. 27<sup>th</sup>. He said that had he filed the report before deciding on what districts to send the mailing to, his report could have been inaccurate. The director asked if Mr. Mack gave any names to the vendor. Mr. Mack said he did not. The director asked how many people Mr. Mack considered on Oct. 26<sup>th</sup> that did in fact receive mailings. Mr. Mack said that six of the 14 races were determined on Oct. 26<sup>th</sup>. The

director asked if Mr. Mack had thought to file a report concerning those 6 races. Mr. Mack said he did not. The director said that he would not recommend a civil penalty.

Mr. MacTaggart moved to assess a \$165.03 late filing penalty as well as a discretionary penalty of \$500. Ms. Ginn Marvin seconded. Mr. MacTaggart said that he felt that the activity on Oct. 26<sup>th</sup> warranted the Commission considering the report one day late. Ms. Ginn Marvin advised the Commission to hold people accountable to the rules, and that she supported Mr. MacTaggart's motion. Mr. Ketterer said that it was hard to believe that, as a factual matter, there was no indication as to which races were going to be involved. Mr. Ketterer didn't believe that was true. The Commission voted unanimously (5-0) to assess a late penalty of \$165.03 as well as a discretionary penalty of \$500.

#### Agenda Item #5 – Adoption of Rules

The director said that there were various rules that he hoped to discuss with the Commission. He mentioned the definition of a member, as listed in Chapter 1 of the proposed rules. The director said that the Commission had received a lot of feedback on this from various groups, and that after considering the comments that were made, the director recommended staying with the federal definition of a member.

The next rule that was brought up was the seed money reporting requirement involving disclosing occupation and employer. The director said that he favored including this in the rules.

The next item dealt with recounts. The proposed rule was that when candidates receive free labor, those kinds of things should not be considered contributions. Sen. Beth Edmonds, President of the Maine Senate, had recommended that this rule change be made in statute as opposed to in the Commission's rule making. The Commission felt that having this change be made in statute would be the best course of action.

The director said that the next issue dealt with exactly when an expenditure had to be reported. He mentioned concerns over what happens with an entity reports an independent expenditure, and then finds out the amount was wrong. The director said that the staff was proposing a rule stating that if the amount was less than or equal to \$50, then it could be reported on a regularly scheduled report. However, if the amount was over \$50, then it had to be reported immediately in an amended report. Mr. Ketterer said there could be potential issues giving out MCEA funds and then having to correct how much was given. Mr. Donnelly said that a good faith effort would have most likely prevented the issues that came before the Commission today. He also said that in his experience vendors were accommodating in terms of the cost per district. Ms. Ginn Marvin said she had no problem making very clear to vendors that they absolutely needed to calculate the cost as asked for by the Commission. Mr. MacTaggart agreed with Ms. Ginn Marvin. Mr. Ketterer felt that including a good faith estimate could cause potential problems. A brief discussion followed as to the exact language to be used in the proposed rule making.



Note: At this point, Ms. Ginn Marvin and Mr. MacTaggart left the meeting due to other scheduled appointments.

The director brought up the possibility of a seven day report that would need to be filed if an entity filed an IE report within the last seven days of the election. The Commission didn't feel like added scrutiny in the last seven days of an election was a bad idea. The director said that he proposed a change that would place the burden on candidates in terms of requesting additional matching funds based on the content vs. space on the ad. Next the director mentioned the various ways that the cost breakdown could be calculated.

The next rule making item was the rebuttable presumption. The director said that the staff had received comments suggesting that the Commission should not exclude MERI guides and scorecards as a general rule. The director said that he recommended making a change in the proposed rules so that the Commission decided these issues on a case-by-case basis. Mr. Bigos said that he would prefer the case-by-case method in reviewing those items. Mr. Ketterer agreed. Mr. Donnelly disagreed with not excluding MERI guides and scorecards. Mr. Ketterer said that there were rules in place to handle those scorecards which were designed to influence a particular election. He said he thought scorecards were a good part of the political process. After a brief discussion, the Commission decided to go ahead with reviewing the scorecards on a case-by-case basis.

The director said the last major issue dealt with the amount of money paid for salaries and work compensation. He said that he was not in favor of another required report because not only would it add an additional burden to candidates but also the Commission could investigate any campaign it saw a potential issue with.

Mr. Bigos directed the director to send a letter to the chair of the LVA Committee stating that there was merit on both sides with regards to the scorecard issue and that the Commission would welcome their consideration, as well as sending a letter to all the groups who commented on this issue. That way the various interested parties could go before LVA and explain their interests.

Mr. Bigos moved, Mr. Donnelly seconded, and the Commission voted unanimously (3-0) to adopt the proposed amendments.

#### Agenda Item #13 – Request for Waiver of Late Filing Penalty/John Weaver

The director said that Mr. Weaver had filed all four of his required reports on January 12, 2005. All four reports were late, but only two were connected with any penalties because two of the reports had no financial activity. The total statutory penalty for Mr. Weaver's late filing was \$1,054.76. However, Mr. Weaver only had \$325 in receipts for the entire campaign, and the director said that the staff would certainly support a reduction of the statutory penalty.

John Weaver took the floor. He stated that the statutory penalty was more money than he was able to pay, because he simply did not have the necessary funds. He said that he was responsible for not filing the reports, and that he wasn't aware of what he was getting into when he decided to run for office. Mr. Bigos asked where Mr. Weaver lived. Mr. Weaver replied he lived in Old Orchard Beach. The director asked about the amount Mr. Weaver could afford. Mr. Weaver said that he could afford a couple hundred dollars. The director said that the staff could work out a payment plan, but that those plans could often cause problems.

Mr. Bigos moved to assess a penalty of \$32.50, which represented 10% of Mr. Weaver's total campaign receipts. Mr. Donnelly seconded. Mr. Bigos said that he felt it was important that Mr. Weaver came forward, that he explained various mitigating circumstances, and that he didn't feel Mr. Weaver was trying to cheat the system. Mr. Ketterer felt that the proposed penalty was light and that the Green party could pay for the penalty. The Commission voted unanimously (3-0) to assess a penalty of \$32.50.

#### Agenda Item #14 – Request for Waiver of Late Filing Penalty/Mark Horton

The director said that Mr. Horton had filed all four reports late, and the statutory penalty was \$1,463.92. The director stated that the staff would support a reduced penalty.

Mark Horton took the floor. He said that he did not appreciate what it was that he was getting into when he agreed to run for office. He said he was in his senior year at school, that he spoke with members of the Green party, and believed he could run his campaign from September to October. Once he was notified by staff that he owed reports, he turned around and filed them. He said that he returned everything that was left over as well as all of the matching funds. After a brief discussion, the Commission decided to briefly table this item until the total amount of expenditures for Mr. Horton's campaign could be calculated.

#### Agenda Item #16 – Referral to Attorney General/ Mathew Gagnon

The director said that there was no longer any need for consideration as to whether to refer Mr. Gagnon to the AG's office, due to communication with Mr. Gagnon and the Commission staff. Mr. Gagnon filed three campaign finance reports late, and the statutory penalty was \$1,800. The director said that he was recommending a partial reduction of the penalty due to the fact that Mr. Gagnon's entire campaign only had \$800 in receipts and expenditures.

Mathew Gagnon took the floor. He thanked the director for his continued efforts to resolve the situation. He said that he was a student at the University of Maine, and that he did not fully understand the various requirements of running for office when he decided to start his campaign. He said that he had tried to become a MCEA candidate but failed. He said that all the money he spent was in one reporting period, and he requested that the penalty be reduced to something he could afford.

Mr. Bigos asked how much he spent on his campaign. Mr. Gagnon replied \$800. Mr. Bigos asked what Mr. Gagnon thought would be a fair penalty. Mr. Gagnon replied that he thought \$100-\$150 would be appropriate. Mr. Bigos asked if Mr. Gagnon understood the importance of filing reports on time. Mr. Gagnon said that he did.

Mr. Bigos moved to assess a penalty of \$150. Mr. Donnelly seconded. The Commission voted unanimously (3-0) to assess a penalty of \$150.

Agenda Item #14 – Mark Horton (continued)

Resuming the previously tabled item, the Commission learned that the total expenditures for Mr. Horton's campaign were \$2,474.98.

Mr. Bigos moved to assess a \$300 penalty. Mr. Donnelly seconded, and the Commission voted unanimously (3-0) to assess a \$300 penalty.

All subsequent items were tabled due to the lack of a quorum.

There being no further business, the Commission adjourned.